

Harrington Park
ZONING BOARD OF ADJUSTMENT
REGULAR MEETING MINUTES
Wednesday, June 24, 2020 @ 7:00PM

Chairman McLaughlin called the meeting to order at 7:00PM.

Open Public Meeting Act Announcement: In compliance with Chapter 231, Public Law 1975, adequate notice of this meeting was made. It has been posted on the Bulletin Board in the Municipal Center. Copies have been mailed to THE RECORD, NORTHERN VALLEY PRESS, and the NORTH JERSEY SUBURBANITE. A copy has been filed with the Borough Clerk and copies have been mailed to individuals requesting the same.

Based on the executive orders from the state, this meeting will be conducted via Zoom. The meeting details were published in the Record.

ROLL CALL

Roll Call	PRESENT	ABSENT
(RM) Chairman Richard McLAUGHLIN	X	
(MR) Vice Chair Michael ROTH	X	
(JP) John POWERS	X	
(RB) Robert BUDINICH	X	
(JC) Jin CHO	X	
(SL) Steve LOTT	X	
(SM) Stephen MARTINEZ		X
(GZ) Gail ZACCARO (alternate a)	X	
(RF) Robert FRANK (alternate b)	X	

MINUTES FOR APPROVAL

May 27, 2020 minutes

There were no comments or questions.

Vote to approve May 27, 2020 minutes.	Motion	Second	Yes	No	Abstain	Absent
Chairman Richard McLAUGHLIN			X			
Vice Chair Michael ROTH			X			
John POWERS			X			
Robert BUDINICH	X		X			
Jin CHO			X			
Steve LOTT			X			

Harrington Park
ZONING BOARD OF ADJUSTMENT
REGULAR MEETING MINUTES
Wednesday, June 24, 2020 @ 7:00PM

Stephen MARTINEZ						X
Gail ZACCARO (alternate a)		X	X			
Robert FRANK (alternate b)			X			

INVOICES FOR APPROVAL

1. 33 Carmen Road - Keller refund

CL noted that the Kellers submitted an application for a 6ft fence. They decided not to pursue a variance and requested a refund of \$250 (escrow) and \$140 (application) for a total of \$390. The 200ft Property Owners List was provided for a fee of \$10.

Vote to approve refund for Keller application at 33 Carmen Road.	Motion	Second	Yes	No	Abstain	Absent
Chairman Richard McLAUGHLIN			X			
Vice Chair Michael ROTH			X			
John POWERS		X	X			
Robert BUDINICH	X		X			
Jin CHO			X			
Steve LOTT			X			
Stephen MARTINEZ						X
Gail ZACCARO (alternate a)			X			
Robert FRANK (alternate b)			X			

2. There were no invoices.

HEARINGS

1. **4 Park Street – 4 additional residential apartments in Industrial zone** (Glenn and Jamie Quantmeyer)

Mr. Quantmeyer's architect is in contact with Neglia Engineering, but was not able to provide the necessary information before the meeting. Mr. Quantmeyer requested an adjournment until the July 22, 2020 meeting.

Vote to continue hearing in July without further notices or advertising.	Motion	Second	Yes	No	Abstain	Absent
Chairman Richard McLAUGHLIN			X			
Vice Chair Michael ROTH			X			

Harrington Park
ZONING BOARD OF ADJUSTMENT
REGULAR MEETING MINUTES
Wednesday, June 24, 2020 @ 7:00PM

John POWERS			X			
Robert BUDINICH	X		X			
Jin CHO			X			
Steve LOTT			X			
Stephen MARTINEZ						X
Gail ZACCARO (alternate a)		X	X			
Robert FRANK (alternate b)			X			

The application for 4 Park Street is now adjourned to the July 22, 2020 meeting without further notice or publication.

2. 5 Council Place - replace a deteriorated 6ft fence (Mr. & Mrs. Dobrin)

The board considered the application in the May meeting and in the interim the members had the opportunity to observe the neighborhood and look at the fence. RM reminded Mr. Dobrin that he was still under oath from the last meeting. Mr. Dobrin had nothing new to add. RM asked if height of the proposed gate on the left side of the house would match the height of the adjacent fence. Mr. Dobrin said that was correct.

There were no questions or comments from the public.

Vote to approve the replacement of the damaged 6ft fence.	Motion	Second	Yes	No	Abstain	Absent
Chairman Richard McLAUGHLIN			X			
Vice Chair Michael ROTH					X	
John POWERS	X		X			
Robert BUDINICH				X		
Jin CHO				X		
Steve LOTT				X		
Stephen MARTINEZ						X
Gail ZACCARO (alternate a)		X	X			
Robert FRANK (alternate b)				X		

The vote was 3 to approve, 4 to deny and one abstention. The board did not approve the application to replace the 6ft fence. The vote will be memorialized in the July meeting. Mr. Dobrin does not have to be at the meeting. The applicant can decide to appeal within 45 days after the written resolution is published. Mr. Dobrin asked about the options. RM said that he

Harrington Park
ZONING BOARD OF ADJUSTMENT
REGULAR MEETING MINUTES
Wednesday, June 24, 2020 @ 7:00PM

could accept the denial and not replace a 6ft fence with a 6ft fence or file suit to ask the court to reverse the board's decision. If the fence was replaced with a 5ft fence and the 3ft fence the applicant would not require anything from the Board of Adjustment. He would still require a permit.

Mr. Dobrin noted that he felt that the members did not do their due diligence and was not a fair hearing with one member looking at the property or going on the property without permission. There are two fences and there are 6ft fences going up a couple of blocks of the property. RM noted that each application is unique. If fences are higher than 5ft, this is not an enforcement board. The applicant should speak to the Building Department. Mr. Dobrin does not want to disrupt others. MR had gone to the property the first time and spoke to someone and didn't feel like he needed to go again. He noted that there are people who do things the right way do not necessarily get what they want and there are people who do what they want and sometimes get away with it. The town needs to look at it and not allow it to happen.

3. 157 Lynn Street - Rear yard setback for a deck (Jung and Eunha Park)

Jung and Eunha Park, 157 Lynn Street, Harrington Park, were sworn in.

There is a 2-story existing residence and there is a 2-story addition on the right. There is a 22ft x10ft (height is about 3.5ft) existing deck. The right side deck extension is 7ft x 10ft (the plan shows 8ft, but Mr. Zavardino measured 7ft). The left side deck extension is 15ft x 10ft. The entire deck dimension is 44ft x 10ft. Adjacent to the deck is Glenn St. The side yard set back is 36.5ft from Glenn. The rear setback is 15ft. There is no landscaping or fence between the side yards.

GZ asked if the 2 basement windows will be covered by the proposed deck. Mr. Park said that there will be 3 windows under the deck. They will not be blocked and the area under the deck will be open. There are 2 other basement windows on the side of the house that are open.

The variance request is for a rear yard setback. There is an encroachment of 12ft.

RM opened the meeting to the public for questions. There were none. The meeting was closed to the public.

JS asked what is along the rear yard behind the deck. Mr. Park said there is a 4ft fence and one tree towards Glen Avenue. The rear yards face each other.

Harrington Park
ZONING BOARD OF ADJUSTMENT
REGULAR MEETING MINUTES
Wednesday, June 24, 2020 @ 7:00PM

RM reviewed the procedure where the Board hears the testimony about the application and will continue consideration of the application until the next public meeting on July 22, 2020. In the interim members will come out individually to look at the neighborhood and property. Mr. Park said that the members have full permission to go on the property anytime and to be careful because there is equipment on the yard.

Vote to continue the hearing without additional notices and publication for the 157 Lynn St. application.	Motion	Second	Yes	No	Abstain	Absent
Chairman Richard McLAUGHLIN			X			
Vice Chair Michael ROTH			X			
John POWERS		X	X			
Robert BUDINICH			X			
Jin CHO			X			
Steve LOTT			X			
Stephen MARTINEZ						X
Gail ZACCARO (alternate a)	X		X			
Robert FRANK (alternate b)			X			

There was discussion about the July 22, 2020 meeting. The decision was to have a Zoom meeting.

RESOLUTIONS

1. 99 Kline Street - extension of approval of variance from June 26, 2019 (Melissa and Irfan Buddha)

Vote to accept written resolution for 99 Kline Street (extension of variance until Sept.30, 2021)	Motion	Second	Yes	No	Abstain	Absent
Chairman Richard McLAUGHLIN			X			
Vice Chair Michael ROTH	X		X			
John POWERS			X			
Robert BUDINICH		X	X			
Jin CHO			X			
Steve LOTT			X			
Stephen MARTINEZ						X

Harrington Park
ZONING BOARD OF ADJUSTMENT
REGULAR MEETING MINUTES
Wednesday, June 24, 2020 @ 7:00PM

Gail ZACCARO (alternate a)			X			
Robert FRANK (alternate b)			X			

MEETING OPEN/CLOSED TO THE PUBLIC

The meeting was open to the public. There were no questions or comments. The meeting was closed to the public.

NEW BUSINESS

Fences - There was a discussion on fences about residents who follow proper procedures and those who do not, enforcement, repairs versus replacement and hardship. The members asked JS to send a memo to the Mayor and Council to review the fence ordinance. This would be good guidance to the board.

142 Schraalenburgh Road (variance for an A/C unit) - CL stated that the applicant has not replied to emails and messages since November of 2019 asking if the applicant would like to be heard by the Board of Adjustment. JS suggested to send the applicant a letter indicating that if she does not contact the Board of Adjustment, the application will be considered withdrawn. The time to reply should be 10 days of receipt of the letter.

ADJOURN

Motion: GZ Second: SL

In favor, all said “aye”. None opposed.

Meeting adjourned at 7:50PM.

NEXT SCHEDULED ZONING BOARD OF ADJUSTMENT
REGULAR MEETING
Wednesday, July 22, 2020 at 7pm